

BEFORE THE  
**Federal Communications Commission**

WASHINGTON, D.C. 20554

ORIGINAL  
RECEIVED  
MAR 25 1996  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )

Amendment of the Commission's )  
Rules to Permit Flexible Service )  
Offerings in the Commercial )  
Mobile Radio Service )

WT Docket No. 96-6

To: The Commission

DOCKET FILE COPY ORIGINAL

REPLY COMMENTS  
OF THE  
AMERICAN PETROLEUM INSTITUTE

The American Petroleum Institute ("API"), by its attorneys, pursuant to Section 1.415 of the Rules and Regulations of the Federal Communications Commission (Commission), respectfully submits the following Reply Comments concerning views expressed by other parties in response to the Commission's Notice of Proposed Rule Making ("Notice")<sup>1/</sup> that looks toward rule changes that will authorize broadband Commercial Mobile Radio Service ("broadband CMRS") providers to offer fixed wireless local loop ("WLL") service.

Noted/Collected  
12/10/96  
049

<sup>1/</sup> 61 Fed. Reg. 6189 (February 16, 1996).

**I. REPLY COMMENTS**

1. API agrees with the numerous participants in this proceeding that supported the Commission's plan to permit CMRS providers to offer WLL technology to their customers. By extending the geographic area in which PCS licensees may feasibly offer service, implementation of the Commission's proposal should facilitate early PCS relocation of incumbent microwave systems now operating in the frequency band 1850-1990 MHz, particularly in rural areas. Systemwide relocations are important to many API members because their microwave systems are in areas which are sparsely populated.

2. API strenuously objects to an extraneous proposal made by one participant in this proceeding. That participant, Pacific Telesis Group ("Pacific"), advanced a suggestion that is totally unrelated to the WLL proceeding but which it believes could allow innovative use of PCS spectrum. Pacific proposed to permit consumers to use a cordless telephone that would use licensed PCS spectrum to communicate with a base station in the consumer's home. The home-based station, unlike the fixed WLL antenna, would be connected directly to landline local loops, and calls placed through the home-based station would enter the landline

network directly. Outside of the home, the caller could enter the PCS network. Pacific points out that current rule Section 24.237 would consider a base station subject to interference analysis and prior coordination processes, even a base station that is in the user's home. This means that any existing microwave user within 90 kilometers of the base station would have to be notified prior to the operation of the home-based station. Pacific at 5. Pacific argues that this would be very burdensome to administer and would raise privacy issues since the consumer's location would be shared with a microwave incumbent. Pacific at 5. Pacific believes that no prior coordination of these devices should be necessary because of the very low power levels, which are typically less than 100 milliwatts, according to Pacific. Pacific at 5. Pacific therefore recommends that the Commission include in its rules a specific exemption of the prior coordination requirement for home-based stations operating at 100 milliwatts or less. Pacific at 5.

3. Pacific's proposal is essentially designed to permit individuals to communicate between any location and their home via PCS spectrum without first performing an interference analysis and complying with the prior coordination process. The proposed cordless telephone would be operated much like devices being introduced in the

unlicensed PCS band (1910-1930 MHz). If used with 100 milliwatts of power, however, the cordless telephones would have the capability of creating far more interference than the devices being deployed in the unlicensed band. Accordingly, at the very least, the entire county should be cleared of all incumbent stations. Otherwise, implementation of the Pacific proposal could result in thousands of consumers interfering with fixed microwave incumbents from an untold number of different, mobile locations, without any warning to or recourse by incumbents. Incumbents could not even identify which user was causing interference at any given moment.

4. The Pacific proposal is well beyond the scope of this proceeding. It seeks to alter the intent of rules adopted in Docket Nos. 90-314 and 92-9 in very critical ways. For example, microwave incumbents would receive no Prior Coordination Notices ("PCNs") from a PCS operator which permits customers to operate a mobile communications technology from their base stations. Moreover, the proposal needs to be studied by interested parties who participated in the Commission's Emerging Technologies proceeding, many of whom are not participants in this proceeding concerning wireless local loop services and have no notice of the Pacific proposal. The rights of microwave incumbents should

not be so severely jeopardized without notifying them and affording them an opportunity to study the proposal and comment on it. API submits that adoption of the Pacific proposal would be reckless and improper in this proceeding. It should be fully detailed in a Petition for Rule Making, so that the Commission and all interested parties can examine it thoroughly and participate in the development of an adequate coordination mechanism.

## **II. CONCLUSION**

5. API strongly supports the Commission's proposal to permit CMRS providers to flexibly offer fixed WLL service. Implementation of the proposal is expected to expedite PCS rollout, particularly in rural and other less attractive locations. API strenuously opposes, however, adoption of Pacific's irresponsible proposal to fundamentally alter the rights of microwave incumbents operating in the 2 GHz band.

**WHEREFORE, THE PREMISES CONSIDERED,** the American Petroleum Institute respectfully submits the foregoing Reply

Comments and urges the Federal Communications Commission to act in a manner consistent with the views expressed herein.

Respectfully submitted,

**THE AMERICAN PETROLEUM INSTITUTE**

By: *Wayne V. Black*  
Wayne V. Black  
John Reardon  
Keller and Heckman  
1001 G Street  
Suite 500 West  
Washington, D.C. 20001  
(202) 434-4100

Its Attorneys

Dated: March 25, 1996